IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6700 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARISH RAMCHANDRA JAGYASI

Versus

COLLECTOR & SETTLEMENT COMMISSIONER

Appearance:

MR PM BHATT for Petitioner

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 13/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Mr. P.M. Bhatt for the petitioner. Rule. Mr. A.J. Desai, learned AGP waives services of rule on behalf of the respondents.

2. It is submitted by learned counsel for the

petitioner that, same orders have been passed by Dy. Collector & Settlement Commissioner, Vadodara, in respect of confiscation of land of three persons. The four persons having felt aggrieved by the order of Dy. Collector & Settlement Commissioner filed four Special Civil Applications before this Court, including the one filed by the petitioner. The case of the petitioner has been registered as Special Civil Application No. 6700 of 1998 and the Special Civil Applications filed by other three petitioners have been registered as Special Civil Application No. 6976/98, 6924/98 and 6996/98. It is submitted by learned counsel for the petitioner that in earlier three cases this Court has passed an order quashing the order of Dy. Collector & Settlement Commissioner for reviewing the order passed by him on 23-3-1999. Learned counsel for the petitioner has produced copy of the judgment & order passed by this Court on 18-10-2000 in Special Civil Application No. 6976 of 1998, which is taken on record. I have gone through the judgment & order passed by this Court on 18-10-2000 in Special Civil Application No. 6976 of 1998. After going through the said judgment, it appears that the present case squarely covers the earlier cases. Learned counsel for the petitioner accordingly submitted that, similar order may be passed in this case also.

3. It appears that, in the earlier case this Court directed the Dy. Collector & Settlement Commissioner to review the order passed by him on 23-3-1999. It appears that the Dy. Collector & Settlement Commissioner while deciding the earlier case did not consider the circular of the Government dated 30-9-1992. Neither it was produced by any of the parties while deciding the case. Now the circular dated 30-9-1992 being available, it is necessary that the Dy. Collector & Settlement Commissioner should review his order dated 23-3-1999. Accordingly the order passed by the Dy. Collector & Settlement Commissioner dated 23-3-1999 passed in Case No.362 of 1998 is hereby quashed. The Dy. Collector & Settlement Commissioner is directed to review the entire matter, taking into consideration the circular of the Government dated 30-9-1992. Petitioner is directed to produce copy of the aforesaid circular before the Dy. Collector & Settlement Commissioner. The review shall be done at an early date and preferably on/or before 15-1-2001. With the aforesaid direction, the petition is disposed of. Rule is made absolute to the aforesaid extent. I make no order as to costs.

Dt: 13-12-2000 (P.K. Sarkar, J)

/vgn